

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Norfolk Division

UNITED STATES OF AMERICA

Case No. 2:22-cr-00047

v.

PATRICK TATE ADAMIAK,

Defendant.

**DEFENDANT’S UNOPPOSED MOTION
TO EXTEND PRETRIAL MOTIONS
DEADLINE AND MEMORANDUM IN
SUPPORT**

NOW COMES the defendant, Patrick Tate Adamiak, by counsel, pursuant to 18 U.S.C. § 3161(h), and respectfully moves this Court to extend the pretrial motions deadline, currently set for July 22, 2022, to August 1, 2022. The Government does not oppose this Motion.

MEMORANDUM IN SUPPORT

I. Relevant Procedural History

On May 4, 2022, a federal grand jury returned an eleven-count indictment against Mr. Adamiak, charging him with one count of dealing firearms without a license, in violation of 18 U.S.C. § 922(a)(1)(A) (Count 1), five counts of receive and possess an unregistered machinegun, in violation of 26 U.S.C. §§ 5841, 5861(d) and 5871 (Counts 2, 4, 6, 8, and 10), and five counts of unlawful possession and transfer of a machinegun, in violation 18 U.S.C. § 922(o) (Counts 3, 5, 7, 9, and 11) (ECF No. 15).

On June 23, 2022, a federal grand jury returned a five-count superseding indictment against Mr. Adamiak, charging him with four counts of receive and possess

an unregistered machinegun or destructive device, in violation of 26 U.S.C. §§ 5841, 5845, 5861(d), and 5871 (Counts 1, and 3-5), and one count of unlawful possession and transfer of a machinegun, in violation of 18 U.S.C. § 922(o) (Count 2). (ECF No. 28).

On April 8, 2022, Mr. Adamiak was arrested (ECF No. 6) and appeared for his initial appearance on the same day (ECF No. 5). On that day the Court issued a Temporary Order of Detention (ECF No. 7). On April 13, 2022, Mr. Adamiak was released on an unsecured bond (ECF No. 13). On May 11, 2022, during the arraignment, the Court set a jury trial for July 12, 2022, and set the preliminary motions deadline for June 1, 2022. (ECF No. 18). During the arraignment concerning the superseding indictment on June 28, 2022, the Court set a jury trial for October 18, 2022, and set the preliminary motions deadline for July 22, 2022. (ECF No. 31).

II. Factual Assertions

The Supreme Court's recent decision in *New York State Rifle & Pistol Assn., et al. v. Bruen*, 597 U.S. __ (slip op., 2022), decided June 23, 2022, may potentially present constitutional implications in Second Amendment jurisprudence, and may affect this case. Defense counsel continue to research and discuss the potential implications of this opinion in this case.

III. Memorandum of Law

The Speedy Trial Act, 18 U.S.C. § 3161(h), excludes from the computation time in which a trial must commence “[a]ny period of delay resulting from a continuance ... at the request of the defendant ..., if the judge granted such continuance on the basis ... that the ends of justice served by taking such action

outweigh the best interest of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(7)(A). A court, in its determination whether to grant a continuance and exclude any resulting period of delay from the Act’s computation of time, must consider, *inter alia*, whether its denial of the continuance will result in a “miscarriage of justice” (18 U.S.C. § 3161(h)(7)(B) (i)) or denying a party “the exercise of due diligence” (18 U.S.C. § 3161(h)(7)(B)(iv)).

IV. Opposing Party’s Position

The Government does not oppose this motion.

V. Conclusion

Mr. Adamiak, by counsel, based on the foregoing, respectfully requests that this Court extend the pretrial motions deadline to August 1, 2022.

Respectfully submitted,

PATRICK TATE ADAMIAK
Of Counsel

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of July 2022, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

/s/

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